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Jessica C. Stahnke

February 15, 2006

Date

DNE
JFW

PATENT

Attorney Docket No 060945-0150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jong-Chan Lee

Confirmation: 8341

Serial No.: 10/749,235

Group Art Unit: 3683

Filed: December 30, 2003

Examiner: Schwartz, Christopher P.

For: Disc Brake for Vehicles

Attorney Docket No.: **060945-0150**

Mail Stop PETITION

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.181
TO WITHDRAW A HOLDING OF ABANDONMENT

Sir:

Pursuant to the provisions of 37 C.F.R. §1.181, applicants hereby petition the Commissioner to withdraw the holding of abandonment (Notice of Abandonment mailed February 6, 2005) in the above-referenced application. The above-referenced application has been held as abandoned because, as stated by the Examiner on form PTO-1432, "the issue fee and publication fee, if applicable, has not been received."

The facts surrounding the abandonment of this application are as follows:

A Notice of Allowance was mailed on September 22, 2005.

An Issue Fee transmittal (a copy of which is attached in duplicate) was mailed with a certificate of mailing dated November 29, 2005. The transmittal form contained a typographical

error in the application no. (incorrectly noted as 10/747,235 rather than 10/749,235). Please note that the filing date, inventor's name, attorney docket number, confirmation number, title of invention, Examiner name, art unit, and class-sub class were all correctly noted on this transmittal form.

Please see MPEP 508.03 II, which states that "where the paper has thereon the name of an examiner in the TC...a careful check of the TC records and files as well as consultation with the indicated examiner should be made to determine the correct application number."

Applicant therefore believes that because the Issue Fee Transmittal form as filed contained a certificate of mailing dated timely, the correct art unit, and the correct Examiner's name, that a complete reply was timely filed and this application is incorrectly held as abandoned.

In case the original fee transmittal form cannot be processed due to the typographical error, Applicant submits herewith a replacement fee transmittal form in duplicate.

Prompt and favorable action on the Petition is respectfully requested. In accordance with 37 C.F.R. § 1.17 it is believed that no fees (other than the issue and publication fees) are required at this time. However, the Examiner is hereby authorized to charge any necessary fees, or credit any overpayment, to the undersigned's deposit account 50-0310.

Respectfully submitted,



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for Thomas D. Kohler (Reg. No. 32,797)

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415.442.1000

February 15, 2006

Date

Attachments: 1. Issue Fee Transmittal as filed (in duplicate), November 29, 2005
2. Replacement Issue Fee Transmittal (in duplicate), February 15, 2006